

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EMAD RASHAD SHAMS,

Plaintiff,

-against-

EGYPTAIR,

Defendant.

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08 CIV 6908 (SHS)(AJP)

ANSWER

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C O U N S E L:

Defendant, EGYPTAIR, by and through their attorneys, Riad & Associates, P.C.

as and for its answer to the Complaint of plaintiff respectfully alleges as follows, upon
information and belief:

**AS AND FOR DEFENDANT'S ANSWER TO THE
PLAINTIFF'S GENERAL ALLEGATIONS
DEFENDANT ALLEGES AS FOLLOWS:**

1. Denies knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation contained in paragraphs 1 of the Complaint except admits that EGYPTAIR maintains an office at 19 W. 44th Street, New York, New York.
2. Admits each and every allegation contained in paragraph 2 of the Complaint.
3. Denies knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation contained in paragraph 3 of the Complaint.

4. Denies knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation contained in paragraph 4 of the Complaint

5. Denies knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation contained in paragraph 5 of the Complaint

6. Denies each and every allegation contained in paragraph 6 of the Complaint.

7. Denies knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation contained in paragraphs 7, of the Complaint except begs leave to refer all questions of law to the Court and all questions of fact to the trier of fact.

8. Denies each and every allegation contained in paragraph 8 of the Complaint.

**AS AND FOR DEFENDANT'S ANSWER
TO THE PLAINTIFF'S CLAIM FOR
LIABILITY AGAINST EGYPT AIR
DEFENDANT ALLEGES AS FOLLOWS:**

9. Defendant repeats, reiterates and realleges each and every response set forth in paragraphs designated as 1 through 9, of this Answer with the same force and effect as if the same were more fully set forth herein.

10. Denies each and every allegation contained in paragraph 10 of the Complaint except begs leave to refer all questions of law to the Court and all questions of fact to the trier of fact.

11. Admits each and every allegation contained in paragraph 11 of the Complaint.

12. Admits each and every allegation contained in paragraph 12 of the Complaint.

13. Denies each and every allegation contained in paragraph 13 of the Complaint except begs leave to refer all questions of law to the Court and all questions of fact to the trier of fact.

14. Denies each and every allegation contained in paragraph 14 of the Complaint except begs leave to refer all questions of law to the Court and all questions of fact to the trier of fact.

15. Denies knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation contained in paragraph 15 of the Complaint.

16. Denies knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation contained in paragraph 16 of the Complaint.

17. Denies knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation contained in paragraph 17 of the Complaint.

18. Denies knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation contained in paragraph 18 of the Complaint.

19. Denies each and every allegation contained in paragraph 19 of the Complaint except begs leave to refer all questions of law to the Court and all questions of fact to the trier of fact.

20. Denies each and every allegation contained in paragraph 20 of the Complaint except begs leave to refer all questions of law to the Court and all questions of fact to the trier of fact.

21. Denies each and every allegation contained in paragraph 21 of the Complaint.

22. Denies each and every allegation contained in paragraph 22 of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

23. That the plaintiff has failed to state a cause of action upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

24. That defendant EGYPTAIR, pursuant to Section 1412 of the CPLR, alleges on information and belief, that if the plaintiff sustained any injuries or damages at the time and place alleged in its Complaint, such injuries or damages were as a result of the culpable conduct of the plaintiff and/or because of the plaintiff's assumption of risk.

25. That the injuries or damages complained of were caused in whole or part by plaintiff's own culpable conduct or the culpable conduct of others for whom the answering defendant has no legal responsibility.


26. Should it be found, however, that the answering defendant is liable to plaintiff herein, any liability being specifically denied, then the answering defendant alleges that if any damages are found, they are to be apportioned between the plaintiff and answering defendant according to the degree of responsibility that each is found to have in the occurrence, in proportion to the entire measure of responsibility of the occurrence.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

27. That the plaintiff's recovery for damages in this lawsuit is limited pursuant to the Warsaw Convention and Montreal Convention.

WHEREFORE, defendant EGYPTAIR demands judgment dismissing the Complaint on the merits; or that if plaintiff, EMAD RASHAD SHAMS, obtains judgment that any damages awarded be reduced in proportion to the extent of plaintiff's comparative negligence and for such other and further relief as to this court may seem just, proper and equitable.

Dated: New York, New York
August 28, 2008


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